

PATENT APPLN. NO. 10/743,747
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
NON-FINAL

REMARKS

Claims 1, 5 and 17-22 have been rejected under the first paragraph of 35 U.S.C. § 112 as based on a disclosure which is not enabling. The Office notes that an inlet and outlet to and from the blood flow path and an inlet and outlet to and from the dialysate flow path are essential to the practice of the invention.

Claim 1 has been amended to recite "a blood inlet to and a blood outlet from the blood flow path" and "a dialysate inlet to and a dialysate outlet from the dialysate flow path". These amendments are supported in the specification, inter alia, in paragraph [0027] and in the drawings.

Claims 1 and 5 have also been rejected under the first paragraph of 35 U.S.C. § 112 as based on a disclosure which is not enabling for a length of the cylindrical elastic tube (L) outside the range of 5% to 90% of the length of the substantially cylindrical case (M).

Claim 1 has been amended to recite that "L is 5% to 90% of M." Claims 17 and 20 which depended on claims 1 and 5, respectively, and recited this limitation have been canceled.

The amendments to claim 1 are believed to overcome the 35 U.S.C. § 112 rejections and to place this application in condition

PATENT APPLN. NO. 10/743,747
RESPONSE UNDER 37 C.F.R. §1.111

**PATENT
NON-FINAL**

for allowance. A formal notice of the allowability of the application is respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated June 16, 2008, and is believed to place this application in condition for allowance.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik
Reg. No. 25,401

Atty. Case No. NPR-133
Crystal Gateway 3
Suite 1105
1215 South Clark Street
Arlington, VA 22202
Tel: (703) 412-9494
Fax: (703) 412-9345
RJK/ff